



# PUBLIC NOTICE

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## **CERTAIN CHANGES ANNOUNCED TO THE UNIVERSAL LICENSING SYSTEM TO IMPLEMENT THE COMMISSION'S SECONDARY MARKETS RULES AND PROCEDURES**

On September 2, 2004, the Commission released the *Second Report and Order on Reconsideration and Second Further Notice of Proposed Rulemaking (Secondary Markets Second R&O)* in its secondary markets proceeding.<sup>1</sup> The Commission indicated that certain rules and procedures adopted in the *Secondary Markets Second R&O* would become effective 60 days after publication of the final rules in the Federal Register.<sup>2</sup> In addition, the Commission indicated that other rules and procedures – including the immediate processing procedures – would become effective only following approval by the Office of Management and Budget (OMB) regarding the information collections contained in the rules and following implementation of necessary changes to the Universal Licensing System (ULS).<sup>3</sup>

This public notice announces that the following changes have been implemented in the ULS, pursuant to certain rules and procedures adopted in the *Secondary Markets Second R&O*, and became effective on February 26, 2005 (60 days after publication of the final rules in the Federal Register):

- All wireless service applications that are filed on FCC Form 603 (FCC Wireless Telecommunications Bureau Application for Assignments of Authorization and Transfers of Control) for Commission consent to a proposed license assignment or transfer of control are now subject to the 21-day general approval procedures pursuant to Section 1.948(j)(1) of the Commission's rules. (Note that any application that would otherwise qualify for the approval procedures set forth in Section 1.948(j)(2) of the Commission's rules will continue to be processed pursuant to Section 1.948(j)(1) pending OMB approval of the information collections contained in Section 1.948(j)(2) and implementation of the necessary changes to ULS.)

<sup>1</sup> Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets, WT Docket No. 00-230, *Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking*, 19 FCC Rcd 17503 (2004) (*Secondary Markets Second R&O*).

<sup>2</sup> The final rules were published in the Federal Register on December 27, 2004. See 69 Fed. Reg. 77522 (Dec. 27, 2004) (indicating effective date of adopted rules); see also *Secondary Markets Second R&O*, 19 FCC Rcd at 17580-81 ¶¶ 180-81 (ordering clauses relating to adopted rules).

<sup>3</sup> See 69 Fed. Reg. 77522 (Dec. 27, 2004); see also *Secondary Markets Second R&O*, 19 FCC Rcd at 17580-81 180-81.

- The spectrum leasing policy and rules (Part 1, subpart X) now apply to several additional wireless services.<sup>4</sup> A list of all wireless services subject to these rules is set forth in Section 1.9005 of the Commission's rules. Spectrum leasing notifications and applications will be processed using existing FCC Form 603-T (FCC Wireless Telecommunications Bureau Application or Notification for Spectrum Leasing Arrangement), subject to the applicable processing rules set forth in Sections 1.9020(e)(1) (for spectrum manager leases), 1.9030(e)(1) (for long-term *de facto* transfer leases), and 1.9035(e)(1) (for short-term *de facto* transfer leases). (Note that any spectrum leasing notifications or applications that would otherwise qualify for the immediate processing procedures set forth in Sections 1.9020(e)(2), 1.9030(e)(2), or 1.9035(e)(2) will not be processed under these rules, at this time, pending OMB approval of the information collections contained in these rules as well as implementation of the necessary changes to ULS and issuance of FCC Form 608.)<sup>5</sup>

One or more additional public notices will be released once the Commission receives approval from OMB regarding the information collections and/or the ULS has been updated to implement other rules adopted in the *Secondary Markets Second R&O*.

For additional information regarding this public notice, contact James Brown of the Wireless Telecommunications Bureau's Mobility Division at 717-338-2621 or james.brown@fcc.gov.

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<sup>4</sup> See *Secondary Markets Second R&O*, 19 FCC Rcd at 17529-33 ¶¶ 53-60.

<sup>5</sup> See 69 Fed. Reg. 77522 (Dec. 27, 2004) (indicating effective date of adopted rules); see also *Secondary Markets Second R&O*, 19 FCC Rcd at \_\_\_ ¶ 30, \_\_\_ ¶¶ 180-81.